

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	CASE NO. 1:11CR91-11
)	
PLAINTIFF,)	JUDGE SARA LIOI
)	
vs.)	
)	ORDER
JAMES DYER,)	
)	
)	
DEFENDANT.)	

This matter is before the Court upon Magistrate Judge Kenneth S. McHargh's Report and Recommendation that the Court ACCEPT Defendant James Dyer's ("Defendant") plea of guilty and enter a finding of guilty against Defendant. (Doc. No. 351.)

On March 8, 2011, the government filed an Indictment against Defendant. (Doc. No. 1.) On May 9, 2011, this Court issued an order assigning this case to Magistrate Judge McHargh for the purpose of receiving Defendant's guilty plea. (Doc. No. 250.)

On July 13, 2011, a hearing was held in which Defendant entered a plea of guilty to Counts 1 and 5 of the Indictment, charging him with conspiracy to distribute less than 500 grams of cocaine and five or more grams but less than 50 grams of cocaine base (crack), in violation of 21 U.S.C. Section 846, and possession of cocaine base (crack) with intent to distribute, in violation of 21 U.S.C. Section 841(a)(1), respectively. Magistrate Judge McHargh received Defendant's guilty plea and issued a Report and

Recommendation ("R&R") recommending that this Court accept the plea and enter a finding of guilty. (Doc. No. 351.)

Neither party objected to the Magistrate Judge's R&R in the fourteen days after it was issued.

Upon *de novo* review of the record, the Magistrate Judge's R&R is ADOPTED. Specifically, the Court finds as follows: that the defendant is competent to enter a plea, that he understands his constitutional rights, that he is aware of the consequences of entering a plea, and that there is an adequate factual basis for the plea. The Court further finds that the plea was entered knowingly, intelligently, and voluntarily. Accordingly, the Defendant's plea of guilty is APPROVED.

Therefore, the Defendant is adjudged guilty of Counts 1 and 5 in violation of 21 U.S.C. Section 846, and 21 U.S.C. Section 841(a)(1). The sentencing will be held on September 30, 2011 at 1:30 p.m.

IT IS SO ORDERED.

Dated: September 12, 2011


HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE